# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/624,492 | 07/23/2003 | Yumiko Ochi | 00990089aa | 7828 |

| | | EXAMINER |
|---|---|---|
| 30743    7590    02/22/2007 | | CLOUD, JOIYA M |
| WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C. | | |
| 11491 SUNSET HILLS ROAD | | ART UNIT      PAPER NUMBER |
| SUITE 340 | | |
| RESTON, VA 20190 | | 2144 |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | Application No. | Applicant(s) |
| Office Action Summary | 10/624,492 | OCHI, YUMIKO |
| | Examiner | Art Unit | |
| | Joiya M. Cloud | 2144 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *23 July 2003*.

2a)☐ This action is **FINAL**.    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All    b)☐ Some *    c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

## DETAILED ACTION

1.     This action is responsive to the application filed on July 02, 2002. Claims 1-18 represent

Apparatus and method for managing a provider network.

2.     Acknowledgment is made to the applicant's submission of Information Disclosure

Statement, filed 05/01/2003.

### Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 17 and 18** are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

**As per claim 17,** the phrase "burst-like event" renders the claim(s) indefinite because the

claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby

rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

**As per claim 18,** claim 18 recites the same limitation, in line 3, as discussed above in the

rejection of claim 18 and is thus rejected for similar reasons.

*Claim Rejections - 35 USC § 103*

3.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.      **Claims 1-4, 6-9, 11-14, and 16-18** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Varennes et al. **(U.S. Patent No. 6,609,081 B1, hereinafter Var)** in view of

**Herrmann (U.S. Patent N. 6,192,034 B1)**

5.      **As per claim 1,** Var discloses the invention substantially as claimed. Var discloses a

supervisory server for transferring, to a client device, supervisory information **(statistical and**

**operating data, Abstract)** that is given through a network from an object to be supervised and

that includes a notice of a status change **(upgrade notification, Abstract, col. 5, lines 32-53),**

comprising: holding means for holding the supervisory information until a request of

transmitting the supervisory information is issued from the program incorporated in the

downloaded file **(where the holding means is a data collected by a log file, col. 6, lines 1-15**

**and col. 5, lines 54-67)** ; and transmitting means for transmitting the supervisory information to

the client device after reception of the request of transmitting the supervisory information, either

when the status change is caused to occur in the object or when the supervisory information is

held in the holding means **(Abstract, (Abstract, col. 7, lines 24-43 and 58-67, col. col. 5, lines 33-63)** .

However, Var does not explicitly teach means operable in response to a request from the client device for making the client device download a file that is available by a WEB browser and that incorporates a program. However, Herrmann teaches a client *request* received by a server that returns the file to the client **(Herrmann: col. 3, lines 60-65, col. 4, lines 1-15, Abstract)**

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporate Var's teachings to the teachings of Herrmann, for the purpose of allowing the user "responsibility to request upgrade notification messages [information]," **(where Var teaches that the invention could be implemented whereby the user makes a request for file information, col. 7, lines 60-67).**

**As per claim 2,** Var-Herrmann teaches a supervisory server as claimed in claim 1, further comprising: means for carrying out reception processing of the supervisory information; the transmitting means for transmitting the supervisory information to the client device being for generating the file available by the WEB browser with reference to information obtained by the reception processing **(Abstract, col. 7, lines 24-43 and 58-67, col. col. 5, lines 33-63).**

**As per claim 3,** Var-Herrmann teaches a supervisory server, the supervisory information includes an alarm sent from the object system **(Var: Abstract, col. 4, lines 1-11, col. 7, lines 1-22 and Figure 4, items 214, alarm).**

**As per claim 4**, Var-Herrmann teaches a supervisory server communicable with the

client device in accordance with HTTP (Hyper Text Transfer Protocol) **(Var: col. 7, lines 45-52**

**and Herrmann: col. 11, lines 19-25).**

**As per claim 6**, Var-Herrmann teaches a supervisory system comprising a server and a

client device, the server operating in response to supervisory information that is sent from an

object system to be supervised and that includes a notice of a continuous status change **(col. 5,**

**lines 64-67 and col. 7, lines 24-43)** and transferring the supervisory information to the client

device through a network, the server comprising: means operable in response to a request from

the client device, for making the client device download a file that is available by a WEB

browser and that incorporates a program **(Var: col. 7, lines 24-43 and 53-67)**; holding means for

holding the supervisory information until a request of transmitting the supervisory information is

issued from the program incorporated in the downloaded file **(Var: where the holding means is**

**a data collected by a log file, col. 6, lines 1-15 and col. 5, lines 54-67 and Herrmann: col. 3,**

**lines 60-65, col. 4, lines 1-15, Abstract, where the client request held message)**; and

transmitting means for transmitting the supervisory information to the client device after

reception of the request of transmitting the supervisory information, either when a status change

**(upgrade)** is caused to occur in the object system or when the supervisory information is held in

the holding means **(Abstract, col. 7, lines 24-43 and 58-67, col. col. 5, lines 33-63).**

**As per claim 7**, Var-Herrmann teaches a supervisory system, the server comprising:

means for carrying out reception processing of the supervisory information **(Var: col. 7, lines**

**45-67 and col. 5, lines 54-63)**; the transmitting means for transmitting the supervisory

information to the client device generating a file available by the WEB browser from information

obtained by the reception processing (**Var: Abstract, col. 7, lines 24-43 and 58-67, col. col. 5, lines 54-63, and col. 7, lines 45-67**

As per claim 8,Var-Herrmann teaches a supervisory system, the supervisory information includes at least an alarm generated by the object system (**Abstract, col. 4, lines 1-11, col. 7, lines 1-22 and Figure 4, items 214, alarm**).

As per claim 9, Var-Herrmann teaches a supervisory system, the client device and the server carries out communication between them in accordance with HTTP (Hyper Text Transfer Protocol) (**Var: col. 7, lines 45-52 and Herrmann: col. 11, lines 19-25**).

As per claim 11, Var-Herrmann teaches a method for use in a supervisory system to transfer, from a server to a client device through a network, occurrence of an event (**col. 5, lines 64-67**) caused to occur in an object system, the method being for giving an event notice indicative of the occurrence of the event from the server to the client device and comprising the steps of: downloading, from the server to the client device, a file which is available by a WEB browser and which incorporates a program (**col. 7, lines 24-43 and 53-67**); holding the event notice in the server until an event request related to the event is issued from the program downloaded into the client device and is received by the server (**Var: where the holding means is a data collected by a log file, col. 6, lines 1-15 and col. 5, lines 54-67 and Herrmann: (col. 3, lines 60-65, col. 4, lines 1-15, Abstract, where the client request held message**); and transmitting the event notice from the server to the client device after reception of the event request by the server either when any change is caused to occur in the object system or when the event is held in the server (**Abstract, col. 7, lines 24-43 and 58-67, col. 5, lines 33-63**).

**As per claim 12**, Var-Herrmann teaches a method further comprising the step of:

carrying out reception processing of a notice of the event in the server; and generating a file

available by the WEB browser from information obtained by the reception processing **(Var: col.**

**7, lines 24-43 and 53-67).**

**As per claim 13**, Var-Herrmann teaches a method, the event includes at least an alarm

sent from the object system **(Var:Abstract, col. 4, lines 1-11, col. 7, lines 1-22 and Figure 4,**

**items 214, alarm).**

**As per claim 14**, Var-Herrmann teaches a method wherein communication is carried out

between the server and the client device in accordance with HTTP (Hyper Text Transfer

Protocol) **(Var: col. 7, lines 45-52 and Herrmann: col. 11, lines 19-25).**

**As per claim 16**, Var-Herrmann teaches a computer-readable program for use in an event

notifying method of a supervisory system, the supervisory system being for transferring, from a

server to a client device through a network, an event **(col. 5, lines 64-67)** caused to occur in an

object to be supervised, the computer-readable program being for making a computer in the

server execute the steps of: making the client device download a predetermined program that is

incorporated in a file **(Var:col. 7, lines 24-43 and 53-67 and col. 4, lines 12-30)**, that is

available by a WEB browser, and that issues an event request **(Var: Abstract, col. 7, lines 24-43**

**and 53-67)**; holding the event caused to occur in the object until the event request is received

from the predetermined program downloaded in the client device **(Var: where the holding**

**means is a data collected by a log file, col. 6, lines 1-15, col. 4, lines 12-30 and col. 5, lines**

54-67); and transmitting the held event after reception of the event request **(Var: Abstract, col. 7, lines 24-43 and 58-67, col. 5, lines 33-63)..**

As per claim 17, Var-Herrmann teaches a supervisory server for transferring, to a client device, supervisory information that is given through a network from an object to be supervised and that is indicative of a burst-like event **(col. 5, lines 64-67)**, comprising: means operable in response to a request from the client device **Herrmann: (col. 3, lines 60-65, col. 4, lines 1-15, Abstract, where the client request held message)**; holding means for holding the supervisory information until a request of transmitting the supervisory information is issued from the program and received by the supervisory server **(Var: where the holding means is a data collected by a log file, col. 6, lines 1-15 and col. 5, lines 54-67 and Herrmann: col. 3, lines 60-65, col. 4, lines 1-15, Abstract, where the client request held message)**; and transmitting means for continuously transmitting the supervisory information to the client device in a burst manner in the form of a reply to the request after reception of the request of transmitting the supervisory information **(Abstract, col. 7, lines 24-43 and 58-67, col. 5, lines 33-63)**.

As per claim 18, Var-Herrmann teaches a supervisory server wherein each of the request and the reply is specified by a value attached to each of the request and the reply **(Var: where the value is the threshold parameters of the alarm where the upgrade notification is sent per request and reply, Abstract and col. 7, lines 24-43)**.

*Claim Rejections - 35 USC § 103*

6.      **Claims 5, 10, and 15** are rejected under 35 U.S.C 103(a) as being unpatentable over Var-

Herrmann and further in view of Ebata et al. **(U.S. Patent No. 7,054,961, hereinafter Ebata)**

7.      **As per claims 5,10, and 15,** Var-Herrmann teach the invention substantially as claimed.

However, Var-Herrmann does not teach explicitly a supervisory server connected to the client

device through a repeater server that is located between the supervisory server and the client

device and that is operable to repeat communication between the supervisory server and the

client device.

However, Ebata teaches a supervisory server connected to the client device through a

repeater server that is located between the supervisory server and the client device and that is

operable to repeat communication between the supervisory server and the client device

**(Abstract, Figure 1, col. 3. lines 40-50).**

Accordingly, it would have been obvious to one of ordinary skill in the networking art at

the time the invention was made to have incorporate Var-Herrmann's teachings to the teachings

of Ebata, for the purpose of allowing "adaptive delay variation absorption, suppressing the

absolute delay occurring between the server device and client device" **(col. 7, lines 63-67).**

## *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*JMC*

**William J. Vaughn**

**Supervisory Patent Examiner**　　　　　　　　　　　　　**February 8, 2007**

WILLIAM VAUGHN
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·Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/26/2003, 10/20/2005, 7/23/2003.